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09/237,099	01/25/1999	ROBERT D. GLASER	REALNET.001C	9619

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EXAMINER

VAUGHN JR, WILLIAM C

ART UNIT	PAPER NUMBER
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2142

DATE MAILED: 06/04/2003

13

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/237,099

Applicant(s)

GLASER ET AL.

Examiner

William C. Vaughn, Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 30-48 is/are pending in the application.
- 4a) Of the above claim(s) 47 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 30-46 and 48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 16-21, 29 and 47 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. 6) ☐ Other: _____

DETAILED ACTION

1. This Action is in response to the latest response received 26 March 2003.
2. The application has been examined. The Examiner acknowledges the election of group 1, corresponding to claims 1-8, 30-48. **Claims 1-8, 30-46 and 48** are pending. The objections and rejections cited are as stated below:

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1-8, 30-46 and 48** are rejected under 35 U.S.C. 103(a) as being unpatentable over Yurt et al. (Yurt), U.S. Patent No. 5,132,992 in view of Katseff et al. (Katseff), U.S. Patent No. 5,822,537.

5. Regarding **claim 1**, Yurt discloses the invention substantially as claimed. Yurt discloses *a media receiver* [see Yurt, Figure 1 f], *comprising: a media data buffer* [see Yurt, Figure 1f, item 200c] *for receiving encoded media data* (Yurt teaches that audio and video material is buffered in an intermediate storage device in the reception system), [see Yurt, Col. 4, lines 38-44]; *a processor for decoding said encoded media data* (inherent feature) (Yurt teaches that decompression of the requested material may occur at the head end of a cable television reception system. It also allows for users who have cable television decoders to decode and decompress the requested material. It is also an inherent feature of a cable television decoder to have a CPU or processor to decode video or audio data), [see Yurt, Col. 4, lines 44-50].

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However, Yurt does not explicitly disclose computer-readable storage which contains server selection information for selecting a link related to a location in a memory device where encoded media data is stored on one of a plurality of media servers, said processor operative to select one of said media servers in which to establish a data communication connection based upon said server selection information and establish a data communication connection with said selected media server via a communications network, said media data buffer operative to receive media data from said location in the memory device on said selected media server, and said processor operative to decode said received encoded media data during receipt thereof.

6. In the same field of endeavor, Katseff discloses (e.g., networked multimedia information system). Katseff computer-readable storage which contains server selection information for selecting a link related to a location in a memory device where encoded media data is stored on one of a plurality of media servers, said processor operative to select one of said media servers in which to establish a data communication connection based upon said server selection information and establish a data communication connection with said selected media server via a communications network, said media data buffer operative to receive media data from said location in the memory device on said selected media server, and said processor operative to decode said received encoded media data during receipt thereof [see Katseff, Col. 7, lines 65-67 and Col. 8, lines 1-6].

7. Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporate Katseff's teachings of a networked multimedia information system with the teachings of Yurt, for the purpose of providing a system that allows for continuous multimedia data to distributed over a network by synchronizing the

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audio and video components of the recorded presentation [see Katseff, Col. 1, lines 37-67 and Col. 2, lines 1-5]. By this rationale **claim 1** is rejected.

8. Regarding **claim 2**, Yurt-Katseff⁶ further discloses *wherein said media data includes streamed video data in packet format* [see Yurt, Col. 5, lines 22-58]. By this rationale **claim 2** is rejected.

9. Regarding **claim 3**, Yurt-Katseff further discloses *wherein said media data includes streamed audio data in packet format* [see Yurt, Col. 5, lines 22-57]. By this rationale **claim 3** is rejected.

10. Regarding **claim 4**, Yurt-Katseff further discloses *wherein said server selection information includes data relating to a compression of the media data from the media servers* [see Katseff, Col. 8, lines 40-50]. By this rationale **claim 4** is rejected.

11. Regarding **claim 5**, Yurt-Katseff further discloses *wherein said server selection information includes data relating to the locations within a computer-readable storage of said media servers* [see Yurt, see rejection of claim 1, supra]. By this rationale **claim 5** is rejected.

12. Regarding **claim 6**, Yurt-Katseff further discloses wherein said processor is operative to transmit server selection information includes an address representing a location of said media receiving system to said selected media server [see Katseff, Col. 7, lines 65-67 and Col. 8, lines 1-50]. By this rationale **claim 6** is rejected.

13. Regarding **claim 7**, Yurt-Katseff further discloses wherein a user comprising an input device to indicates server selection information including the location where media data is stored on one of the media servers [see Katseff, Col. 8, lines 29-50]. By this rationale **claim 7** is rejected.

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14. Regarding **claim 8**, Yurt-Katseff further discloses wherein said media data includes video data [see Katseff, Col. 3, lines 57-67]. By this rationale **claim 8** is rejected.

15. Regarding claim 46, Yurt-Katseff discloses *wherein the media data is encoded using compression* [see Katseff, Col. 7, lines 25-43]. By this rationale **claim 46** is rejected.

16. **Claim 30** list all the same elements of **claim 6**, but in method form rather than media receiver form. Therefore, the supporting rationale of the rejection to **claim 1** applies equally as well to **claim 30**. Furthermore, with regards *to a client computer* [see Katseff, item 15].

17. Regarding **claim 31**, Yurt-Katseff discloses *wherein said encoded media data file includes compressed audio data In a packet format, and wherein the method further comprises playing at least a portion of the: received encoded media data file by the client computer when receiving the media data file* [see Katseff, Col. 13, lines 35-67 and Col. 14, lines 1-53]. By this rationale **claim 31** is rejected.

18. **Claim 32** list all the same elements of **claim 3**, but in method form rather than media receiver form. Therefore, the supporting rationale of the rejection to **claim 3** applies equally as well to **claim 32**.

19. Regarding **claim 33**, Yurt-Katseff discloses wherein said server selection information includes data relating to the bandwidth or a compression rate needed to transmit media data from at least one of said media servers [see Yurt, Col. 4, lines 64-68 and Col. 5, lines 1-33]. By this rationale **claim 33** is rejected.

20. Regarding **claim 34**, Yurt-Katseff discloses further comprising displaying with the link data relating to an audio clip and/or a video clip stored on at least one of the media servers [see Katseff, Figure 5, item 510]. By this rationale **claim 34** is rejected.

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21. Regarding **claim 35**, Yurt-Katseff discloses *further comprising: receiving the encoded media data with a receiver: and transmitting an address representing a location of said receiver to the selected media server* [see Katseff, Col. 7, lines 65-67 and Col. 8, lines 1-7]. By this rationale **claim 35** is rejected.

22. Regarding **claim 36**, Yurt-Katseff discloses *further comprising indicating the location where media data file is stored on one of the media servers using an input device* [see Katseff, Figure 4, Col. 8, lines 29-55]. By this rationale **claim 36** is rejected.

23. Regarding **claim 37**, Yurt-Katseff discloses *further comprising regulating the media data file being received from the selected media server using TCP/IP protocol* [see rejection of claim 8, supra]. By this rationale **claim 37** is rejected.

24. **Claims 38-45 and 48** list all the same elements of **claim 30-37**, but in computer readable form rather than method form. Therefore, the supporting rationale of the rejection to **claims 30-37** applies equally as well to **claims 38-45 and 48**.

Response to Arguments

25. The Examiner would like to bring to the Applicant's attention. Claim 47 is dependent upon claim 29. Which was originally restricted (see paper 4). Therefore, this claim is has not been rejected since it is dependent upon a non-elected claim.

26. It is the Examiner's position that the detailed functionality that allows for Applicant's invention to overcome the prior art used in the rejection, fails to differentiate in detail how these features are unique. The Examiner suggest that the Applicant further show in detail the selection of information retrieval from the memory area of the media server. Applicant's claims as presently written are still obvious with regards to the prior art of record as well as well known

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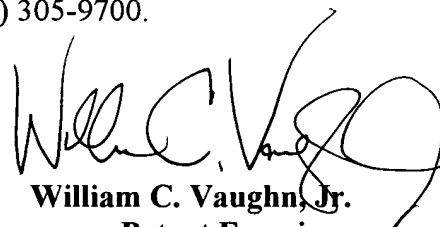
teachings of selecting information by a client machine from a particular area of memory within a server.

Conclusion

27. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William C. Vaughn, Jr. whose telephone number is (703) 306-9129. The examiner can normally be reached on 8:00-5:00, 1st Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Powell can be reached on (703) 305-9703. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9700.



William C. Vaughn, Jr.
Patent Examiner
Art Unit 2142
June 2, 2003